

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

T.S., by and through his next friend, P.O., and G.A., individually and on behalf of all others similarly situated,

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V.

1:19-CV-809-RP

THE BURKE FOUNDATION *d/b/a*
BURKE CENTER FOR YOUTH,

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Defendant

ORDER

Before the Court is Plaintiff T.S., *by and through his next friend*, P.O., and G.A.’s, *individually and on behalf of all others similarly situated*, (collectively, “Plaintiffs”) motion for leave to file their first amended complaint. (Dkt. 16). Plaintiffs move to amend their complaint to substitute N.O. as next of friend for T.S. because his original next friend, P.O., is no longer T.S.’s conservator. (*Id.* at 1). N.O. has given their consent for T.S. to become a party plaintiff in this lawsuit. (T.S. Consent to Sue, Dkt. 17, at 1). Aside from this substitution, Plaintiffs have made no other changes to their complaint. (*Id.*). Defendant The Burke Foundation *d/b/a* Burke Center for Youth does not oppose this motion. (*Id.*).

The Federal Rules of Civil Procedure permit a party to amend its pleading “once as a matter of course,” but afterwards “only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(1)–(2). Courts are directed to “freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). Rule 15(a) “requires the trial court to grant leave to amend freely, and the language of this rule evinces a bias in favor of granting leave to amend.” *Lyn-Lea Travel Corp. v. Am. Airlines*, 283 F.3d 282, 286 (5th Cir. 2002) (citation and internal quotation marks omitted). “[A]bsent a ‘substantial reason’ such as undue delay, bad faith, dilatory motive, repeated

failures to cure deficiencies, or undue prejudice to the opposing party, ‘the discretion of the district court is not broad enough to permit denial.’” *Mayeaux v. La. Health Serv. & Indem. Co.*, 376 F.3d 420, 425 (5th Cir. 2004) (quoting *Dussouy v. Gulf Coast Inv. Corp.*, 660 F.2d 594, 598 (5th Cir. 1981)).

The Court finds that there is no substantial reason to deny leave and that it is in the interest of justice to allow Plaintiffs leave to file their first amended complaint.

Accordingly, **IT IS ORDERED** that Plaintiffs’ Motion for Leave to File Their First Amended Complaint, (Dkt. 16), is **GRANTED**.

SIGNED on December 20, 2019.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE